IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1378 of 2007
Date of decision: 29.1.2007

Harkishan and others ...Petitioners

Versus

State of Haryana and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. Vinod S. Bhardwaj, Advocate,
for the petitioners.

K.S.GAREWAL, J.

Harkishan and others have filed this Civil Writ Petition to challenge the acquisition of their land by the State of Haryana for setting up of Chaudhary Devi Lal Industrial Model Township, Phase-V, Manesar.

Notification under Section 4 of the the Land Acquisition Act, 1894 (hereinafter referred to as the Act) was published on October 27, 2004 acquiring the petitioners' land for the aforesaid township. Provisions of Section 17 (2) (c) of the Act were also invoked. Therefore, the petitioners

were unable to file objections under Section 5-A of the Act. The petitioners' case, in this petition filed on January 25, 2007, was that they were owners of the land measuring about 17 kanals and had constructed a house, three rooms, one bath room, two toilets and a boundary wall. The construction was of **'A'** class. The petitioners have electricity connection and ration card and were living in the house since its construction. The petitioners have placed on record the site plan as well as the photographs in support of their contentions. Electricity bill was also filed alongwith the petition showing that it was issued on September 10, 2000 and the name of the consumer was Lila Ram (petitioners 3). Due date for payment by cash was recorded as September 27, 2000.

It is unbelievable that any one would wait for over two years to challenge a notification issued under Section 4 of the Act in which urgency provisions have been invoked and the filing of objections have been dispensed with. In the site plan relied upon by the petitioners only two rooms have been shown. The photographs of the petitioners' property do not mention the date on which the photographs were taken. The petitioners have not mentioned the amount spent on the construction. The photographs only show two gates and some unfinished construction. It seems the construction was made in a hurry but there is nothing to prove that these photographs are of construction on the petitioners' property, khasra number of which have been given in the petition and have also been mentioned in the impugned notification. There is nothing whatsoever to connect the photographs, site plan, electricity bill with the property in question.

Furthermore, the petition is hopelessly belated and the petitioners cannot be heard to complain about the acquisition after 2-1/2

years. The petition is totally mis-conceived and has no merit. Dismissed.

(K.S. GAREWAL)
JUDGE

29.1.2007 **(AJAI LAMBA)**
prem **JUDGE**